

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Rules and Regulations Implementing)	
Minimum Customer Account Record)	CG Docket No. 02-386
Exchange Obligations on All Local)	
And Interexchange Carriers)	

COMMENTS OF NEXTEL COMMUNICATIONS, INC.

Nextel Communications, Inc. (“Nextel”), hereby submits these comments in response to the Commission’s proposal to impose a minimum standard of Customer Account Record Exchange (“CARE”) data on local exchange carriers (“LECs”) and interexchange carriers (“IXCs”).¹ The exchange of CARE data will help ensure a better customer experience for wireline customers porting their numbers to wireless carriers.

I. INTRODUCTION AND SUMMARY

Nextel is a nationwide provider of commercial mobile radio services (“CMRS”), including cellular telephone service, Direct Connect[®] (Nextel’s walkie-talkie feature), and data services. With its affiliate, Nextel Partners, Inc., Nextel covers 294 of the top 300 metropolitan areas in the United States, and serves approximately 13 million customers. Nextel takes great pride in providing its customers with industry-leading customer service,² and strives to maintain and improve its high level of service.

Nextel supports initiatives that can improve its customers’ experience when

¹ Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers, *Notice of Proposed Rulemaking*, CG Docket No. 02-386, FCC 04-50 (rel. March 25, 2004) (“*Notice*”).

² Nextel ranked at the top of the CMRS providers evaluated in an independent survey in overall customer care, tied for first with one other carrier. *See Nextel Ranked Highest in Customer Service Performance by J.D. Power and Associates*, BUSINESS WIRE, Aug. 28, 2003.

switching from a wireline carrier to Nextel. Thus, Nextel encourages the Commission to require minimum CARE obligations on all LECs and IXC. The proper exchange of CARE data between LECs and IXCs when a customer ports a number from a LEC to Nextel or other CMRS provider will enhance that customer's experience by preventing the possibility of continued billing from the IXC after such a port.

As the Commission recognized, CARE data is not currently exchanged in a uniform manner, leading to customer confusion and billing complaints.³ If CARE data is not exchanged when a customer moves between LECs—*e.g.* from an incumbent LEC to a competitive LEC—then the IXC providing service to that customer may not be aware of the switch, or whether the customer still desires a relationship with the IXC after switching local carriers.⁴ This situation can lead to the IXC continuing to bill the customer for service after switching carriers, even though the customer may no longer desire service from the original IXC.⁵

Even if the LEC notifies the IXC that a customer has terminated service with the LEC, the IXC could continue to bill the customer. As the Joint Petitioners set forth in their November 22, 2002, Petition for Rulemaking, without the proper exchange of data between a LEC and an IXC when a customer switches local carriers, the IXC could continue to bill the customer for monthly recurring and non-usage charges, even after the switch has occurred, waiting for some notification that the customer has elected to remain

³ See Notice at ¶ 5.

⁴ *Id.*

⁵ *Id.*

with the IXC.⁶

Wireless Local Number Portability (“WLNP”) compounds the problem of continued billing by IXCs of customers who have ported their numbers to Nextel or other CMRS providers. Prior to the advent of WLNP, it was possible that a customer switching LECs would, nonetheless, elect to keep the same IXC. Thus, some IXCs’ practice is to continue billing the customer for a limited period of time, unless they receive notice from the new LEC that the customer has elected to retain his or her original IXC.⁷ Because CMRS providers, including Nextel, typically provide long distance service to their customers as a complete package of services,⁸ it is highly unlikely that a customer switching from a LEC to a CMRS provider would ever retain the same IXC. Thus, if proper notification is not given to the IXC of a LEC customer porting to Nextel, there exists a distinct possibility that the customer will continue to be billed by his IXC, at least for a limited period of time.

II. THE COMMISSION SHOULD CONSIDER A NEW CARE CODE TO NOTIFY THE IXC WHEN A LOCAL EXCHANGE NUMBER IS PORTED TO A CMRS PROVIDER.

Nextel currently receives complaints from customers who port wireline number to Nextel but who, nonetheless, continue to receive bills from their previous IXC. Our customers are frustrated by the problem, and must expend time to fix it by contacting not only our customer service representatives, but those of the IXCs and LECs from whom

⁶ Petition for Rulemaking to Implement Mandatory Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers, Filed by AT&T Corp., Sprint Corporation, and WorldCom, Inc. (“Joint Petitioners”), on November 22, 2002, at 4 (“*Joint Petition*”).

⁷ See, e.g., Letter from Robert W. Quinn, Jr., Vice President – Federal Government Affairs, AT&T to Marlene Dortch, Secretary, Federal Communications Commission, CG Docket No. 02-386, CC Docket No. 95-116, at 1 (filed Nov. 10, 2003).

⁸ See Notice at ¶ 13.

the customers ported their numbers. These calls to customer service representatives impose real costs not only on Nextel, but also to the LECs and IXC's involved in the addressing our customers' complaints.

The solution proposed by the Joint Petitioners,⁹ and detailed in the *Notice*,¹⁰ which would require LECs to notify IXC's that a customer had ported a wireline number to a CMRS provider,¹¹ could mitigate the problem experienced by customers, LECs, IXC's, and CMRS providers of continued billing of customers who have ported their number from a LEC to a CMRS provider. This would also be the simplest solution to the problem, as the carriers with the most knowledge the exchange of CARE data would transfer information between themselves that could ameliorate any confusion.

As a part of the porting process, information is exchanged between both the porting-in carrier and porting-out carrier containing the identities of both carriers. Thus, the porting-out LEC will know that its former customer is now a CMRS customer. The porting-out LEC also knows the identity of the customer's chosen IXC. CMRS providers, on the other hand, will typically not have any knowledge of the IXC of the customer porting his or her wireline number to a CMRS provider. Therefore, the most sensible solution is notification to the IXC by the LEC of the intermodal port. Thus, Nextel supports LEC notification to IXC's of wireline-to-wireless ports.¹²

⁹ "We suggest[] that billing issues and customer complaints would be minimized if local exchange carriers notified interexchange carriers when a number was ported between a wireline and wireless carrier." See Letter from Michael F. Del Casino, Government Affairs Director, AT&T, to Marlene Dortch, Secretary, Federal Communications Commission, CG Docket No. 02-386, at 1 (filed Dec. 5, 2003).

¹⁰ See *Notice* at ¶ 14.

¹¹ See *Notice* at ¶ 14.

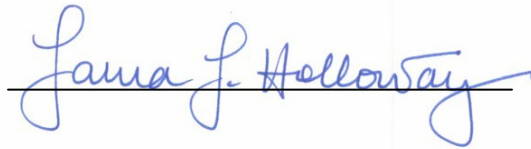
¹² It is worth noting porting wireless service to wireline service does not raise the same issues when porting wireline to wireless. This is because, as the Commission recognized, wireless carriers typically do not have

III. CONCLUSION

The Commission has interpreted the definition of number portability to mean “that consumers must be able to change carriers while keeping their telephone number as easily as they may change carriers without taking their telephone number with them.”¹³ If a customer switches between an incumbent LEC and a CMRS provider and keeps his or her number, that switch ought to be as seamless as if the customer had completely dropped service from the original LEC and obtained a new telephone number from a CMRS provider. Nextel supports any effort to provide for the most seamless porting possible. Thus, Nextel supports the proposal to set minimum CARE standards in order to minimize customer confusion and billing problems.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.



Laura L. Holloway
Vice President – Government Affairs

Jared M. Carlson
Counsel – Government Affairs

2001 Edmund Halley Drive
Reston, VA 20191
(703) 433-4143

June 3, 2004

a separate relationship to the long distance provider. Thus, when a customer leaves a wireless carrier, that carrier will know that all services, including long distance, are no longer to be provided to the customer.

¹³ Telephone Number Portability – Carrier Requests for Clarification of Wireless-Wireless Porting Issues, *Memorandum Opinion and Order*, CC Docket No. 95-116, FCC 03-237, at ¶ 11 (2003).